

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

AEL FINANCIAL, LLC, an Illinois limited liability company)	
)	
Plaintiff,)	Case No. 08 CV 2761
)	
v.)	Judge: Manning
)	
ARKAY PACKAGING CORPORATION, a New York Corporation)	Magistrate Judge: Valdez
)	
Defendant.)	
)	

**NOTICE OF PLAINTIFF'S VOLUNTARY DISMISSAL OF
LAWSUIT WITHOUT PREJUDICE**

Plaintiff, AEL FINANCIAL, LLC, an Illinois limited liability company, ("AEL") by and through its undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(i), hereby files its Notice of Voluntary Dismissal of Lawsuit Without Prejudice, and in support thereof states as follows:

1. On May 13, 2008, AEL filed the instant breach of contract action against Defendant, Arkay Packaging Corporation, a New York Corporation, ("Arkay"), as a result of Arkay's failure to honor certain obligations under an April 2, 2007 Business Communications Lease Agreement with AEL.
2. Through its respective counsel, on June 10, 2008, AEL and Arkay entered into a certain settlement agreement.
3. Pursuant to the terms of the settlement agreement, within fourteen (14) days of receipt by AEL of the first monthly installment payment due AEL, AEL shall file a dismissal of

the lawsuit without prejudice and with the unfettered right to reinstate the lawsuit in the event Arkay breaches any term thereof.

4. Pursuant to Fed. R. Civ. P. 41(a)(1)(i), this Notice of Plaintiff's Voluntary Dismissal of Lawsuit Without Prejudice is timely as said notice is being filed prior to service by the adverse party, Arkay, of an answer or of a motion for summary judgment.

WHEREFORE, AEL FINANCIAL, LLC, an Illinois limited liability company, respectfully request that the instant action be dismissed without prejudice, with each party to bear its own fees and costs, pursuant to Fed. R. Civ. P. 41(a)(1)(i).

Dated: July 7, 2008

Respectfully submitted,

AEL FINANCIAL, LLC, an Illinois limited liability company

By: /s/ John A. Benson, Jr.
One of its Attorneys

Brian Ira Tanenbaum, Esq. (IL Bar No. 6181447)
John A. Benson, Jr., Esq. (IL Bar No. 6289042)
Attorneys for Plaintiff
The Law Offices of Brian Ira Tanenbaum, Ltd.
2970 Maria Avenue, Suite 207
Northbrook, IL 60062
Telephone: 847-562-1636
Facsimile: 847-562-1637